

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

LUIZ NARCISO ALVES NETO

Defendant

Case No. 21-cr-10158-MLW-8

**DEFENDANT'S MOTION TO TAKE CUSTODY OF PASSPORT TO TRAVEL TO
BOSTON FOR SENTENCING**

The defendant in the above-referenced matter moves that this Honorable Court grant Mr. Neto permission to take temporary custody of his passport so he can travel to Boston for his sentencing hearing on April 12, 2023. The passport is in the custody of the District of Minnesota probation department as a condition of his pre-trial release.

Mr. Neto, his wife, and daughter have purchased roundtrip flights departing from Minneapolis-St. Paul on April 11, and returning April 13. Verification of flight information can be provided to the Court, the government, or probation as necessary. Mr. Neto's passport is his only valid form of identification. He attempted to renew his driver's license, but was unsuccessful due to his immigration status. The government assents to this motion.

Respectfully submitted,

By:

/s/ Austin C. Tzeng

AUSTIN C. TZENG

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COUNSEL TO LUIZ NETO

Date: April 3, 2023

RULE 7.1 CERTIFICATION

I hereby certify that I have conferred with counsel, and that the parties agree to the relief requested.

/s/ Austin Tzeng
Austin Tzeng
Counsel to Luiz Neto

Date: April 3, 2023

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Austin Tzeng
Austin Tzeng
Counsel to Luiz Neto

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Defendant

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**AFFIDAVIT OF DEFENSE COUNSEL IN SUPPORT OF DEFENDANT'S MOTION TO
TAKE CUSTODY OF PASSPORT TO TRAVEL TO BOSTON FOR SENTENCING**

1. I am attorney Austin Tzeng, attorney for the defendant, Luiz Neto, and state the following is true to the best of my knowledge.
2. The defendant has pleaded guilty to a two-count indictment charging him with conspiracy to commit wire fraud and aggravated identity theft. Sentencing is scheduled for April 12, 2023 at 1:00pm. The Court ordered the hearing to be in-person.
3. Mr. Neto lives in Minnesota, and has purchased airline tickets scheduled to depart Minneapolis-St. Paul on April 11, and a return flight on April 13. Mr. Neto will be traveling with his wife, and two-year old daughter.
4. Mr. Neto surrendered his passport as a condition of his pre-trial release. It is in the custody of the District of Minnesota Probation Department. The supervising probation officer, Brad Rupprecht, also reached out to undersigned counsel to ensure this motion was filed.
5. Mr. Neto's passport is currently his only form of valid identification, and is necessary to board the flight to appear in person for sentencing.
6. The government assents to this motion.

Signed this 3rd day of April 2023 under the pains and penalties of perjury,

/s/ Austin C. Tzeng
Austin C. Tzeng

Date: April 3, 2023